



ERIC L. CRAMER / CHAIRMAN

p. 215.875.3009 m. 215.327.9583 | ecramer@bm.net

January 18, 2019

VIA ECF

The Honorable Richard F. Boulware, II
Lloyd D. George Federal Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

**Re: Notice Regarding Availability for Evidentiary Hearing Regarding Class
Certification in *Le v. Zuffa et al.*, Case No. 15-cv-01045**

Dear Judge Boulware:

Plaintiffs and Defendant Zuffa, LLC (“Zuffa,” together with Plaintiffs, the “Parties”) have met and conferred regarding the availability of counsel and the experts the Court has ordered to testify at an evidentiary hearing regarding Plaintiffs’ Motion for Class Certification, ECF No. 518.¹ Below, the Parties list various options for the Court regarding the scheduling of the proposed evidentiary hearing.

Due to various teaching schedules and other commitments, it was difficult to find consecutive days when the experts would be able to testify and on which counsel would be available to examine the experts. The Parties have worked to attempt to make available as many dates as possible for the Court’s convenience. The Parties list two overarching Scheduling Options below (each with some subsidiary choices), all in line with the Court’s statements at the December 14, 2018 hearing. In each instance, Dr. Singer and Professor Topel lead as the first expert pair followed by Professors Manning and Oyer as the second expert pair, and Professors Zimbalist and Blair as the third pair. The Parties believe that it would be most beneficial for the Court, and efficient for the Parties, if the hearing (or as much of it as possible) could run

¹ Because the Court indicated that it wanted to hear from the Parties’ experts first, the Parties have not yet finalized proposals for scheduling the testimony of former Zuffa employee Joe Silva. Once the Court selects the date(s) for the experts’ testimony, the Parties will update the Court as to potential dates for Mr. Silva’s testimony, which will fall after the dates that the Parties’ economists will testify.



January 18, 2019
Page 2 of 3

continuously. We of course would understand if that were not possible in view of the Court's calendar.

For each expert pairing, the Parties propose the following format:

Plaintiffs' Expert Direct
Plaintiffs' Expert Cross
Plaintiffs' Expert Redirect

Zuffa's Expert Direct
Zuffa's Expert Cross
Zuffa's Expert Redirect

Plaintiffs' Expert Rebuttal Direct
Plaintiffs' Expert Rebuttal Cross
Plaintiffs' Expert Rebuttal Redirect

The Parties further propose the following allocation of time: 6.5 hours total per side for the Singer-Topel pairing; 3 hours total per side for the Manning-Oyer pairing; 2.25 hours total per side for the Zimbalist-Blair pairing; and 2.5 hours total per side for Joe Silva. All time that a Party's lawyer spends on direct or re-direct examination of its own expert or cross examination of the opposing expert counts against that Party's time allocation. The Court would have the opportunity to question the witnesses at its discretion without affecting the Parties' time allocations. Further, should the Court wish, each expert will be available to answer questions during the testimony of his counterpart (*e.g.*, Dr. Singer will be available to answer questions during Prof. Topel's testimony and *vice versa*).

Further, the Parties plan on presenting to the Court a proposed schedule for the exchange of exhibit lists and proposed factual stipulations that would be based on the Scheduling Option selected by the Court.



January 18, 2019
Page 3 of 3

Scheduling Options

Scheduling Option 1:

Counsel have cleared schedules and confirmed expert availability in September as follows:

- a. Evidentiary hearing to begin September 9 and continue through that week and the following week of September 16 as needed based on the Court's availability; **OR**
- b. Evidentiary hearings to begin September 16 and continue through that week and the following week of September 23 as needed based on the Court's availability.

Scheduling Option 2:

1. Singer-Topel: August 26-30²
2. Manning-Oyer: Any two day period during September 9-13 **OR** September 16-20
3. Zimbalist-Blair: September 13 **OR** September 20 **OR** September 27

We appreciate the Court's attention to this matter.

Respectfully yours,

Eric L. Cramer & William A. Isaacson
Attorneys for Plaintiffs and Defendant Zuffa, LLC

² Professor Topel may be available August 12 through 16 but is scheduled to testify in a trial scheduled to begin on July 31, 2019 and last two to three weeks. If the Court prefers the August 12 through 16 dates for testimony from Professor Topel and Dr. Singer, Zuffa will work with Professor Topel and counsel in that matter to ascertain Professor Topel's availability, if any, for those dates.